

THE LAW OFFICE OF

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BY ECF

The Honorable Analisa Torres, U.S.D.J.
United States District Court - Southern District of New York
500 Pearl St.
New York, NY 10007

Re: *O.M. et al., v. New York City Department of Education, et al.*,
23-cv-4446 (AT)

Dear Judge Torres:

I represent the Plaintiffs in the above-referenced action and write jointly with Defendants to provide a status update pursuant to Your Honor's prior Order. ECF No. 72.

The parties are currently scheduled for a settlement conference with Magistrate Judge Gabriel W. Gorenstein on June 25, 2024. The parties previously agreed to extend the interim deadlines for discovery for one month, to June 5, 2024, so that we could focus on settlement, but the extension is about to expire. *See* ECF No. 70. In light of the parties' discovery obligations to meet the September 4, 2024 discovery closure deadline, the parties' desire to explore settlement, and the fact that the settlement conference before Judge Gorenstein will not be held until June 25, 2024, the parties respectfully request a 60-day stay of all discovery deadlines at this time.

Plaintiffs previously requested a 60-day extension of time to amend the complaint to address L.P.'s pendency. ECF No. 73. The Court granted the request in part, setting a new deadline of June 7, 2024. ECF No. 76. However, at this time, any proposed amended complaint is premature as explained below. As such, Plaintiffs do not intend to file a motion for leave to amend before June 7, 2024. However, O.M. is likely to file a new due process complaint ("DPC") on or about July 1, 2024, the start of the new school year, to address the 2024-2025 school year, which would re-invoke pendency. Plaintiffs are alerting the Court now that we may seek leave to file a motion to amend the federal complaint after the DPC is filed, if pendency issues arise. ECF No. 73. In response, Defendants state that they reserve their right to object to any application for leave to file a motion to amend that Plaintiffs may ultimately file.

The parties respectfully propose submission of a status update no later than July 15, 2024, at which time the parties should be in a better position to report on the status of (a) settlement – whether settlement negotiations are ongoing and whether settlement seems likely; and (b) whether Plaintiffs intend to seek leave to file a motion to amend the complaint in light of any new DPC and pendency issues in O.M.'s new administrative case. As noted above, the parties respectfully request a 60-day stay of discovery while the parties explore settlement with Judge

Gorenstein. If Your Honor denies the stay, the parties will also update the Court on discovery in the July status report.

Thank you for Your Honor's attention to this matter and consideration of these requests.

Respectfully Submitted,

/s Erin O'Connor

Erin O'Connor, Esq., Of Counsel
Counsel for the Plaintiffs

GRANTED IN PART, DENIED IN PART. Plaintiffs may move to amend the complaint by no later than **July 22, 2024**. The Court shall not stay discovery deadlines pending the settlement conference, or extend the fact discovery deadline of September 4, 2024. The parties may extend any interim deadlines without application to the Court.

By **July 15, 2024**, the parties shall jointly file a letter providing a status update as to (1) settlement, (2) any motion for leave to amend, and (3) discovery.

SO ORDERED.

Dated: June 4, 2024
New York, New York



ANALISA TORRES
United States District Judge